



ORDINARY MINUTES

DATE: Tuesday, 27 October 2009

TIME: 2.45 pm

VENUE: Council Chambers, Lowood
Road, Mount Barker WA 6324

Rob Stewart
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:53 pm The Presiding Member declared the meeting open.

Working to Occupational Safety and Health Best Practices, Mr Rob Stewart - Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

Mr Stewart then read aloud the following disclaimer:

'No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Plantagenet disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, or statement of intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Members Present:

Cr K Clements – Shire President
Cr M Skinner – Deputy Shire President
Cr S Etherington JP
Cr B Bell
Cr S Grylls
Cr J Moir
Cr L Handasyde

In Attendance:

Mr Rob Stewart	Chief Executive Officer
Mr John Fathers	Deputy Chief Executive Officer
Ms Nicole Selesnew	Manager Community Services
Mr Peter Duncan	Manager Development Services
Mr Vincent Jenkins	Planning Officer
Mrs Kaye Skinner	Executive Secretary
Mrs Cobie MacLean	Administration Officer (Planning)

There were one member(s) of the public in attendance.

There were nil member(s) of the media in attendance.

Apologies:

Cr Budrikis

Previously Approved Leave of Absence:

Nil

4 PUBLIC QUESTION TIME

Section 5.24 Local Government Act 1995

Nil

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil

6 DISCLOSURE OF INTEREST

Part 5 Division 6 Local Government Act 1995

Cr K Clements declared a Financial Interest – Director of the Mount Barker Co-operative – in Item 12.4.1.

Cr K Clements declared a Financial Interest – Shire President – in Item 12.5.2.

Cr S Etherington declared a Financial Interest – Director of Mount Barker Community Bank – in Item 12.4.1.

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

APPLICANT: CR B BELL

Cr B Bell requested Leave of Absence from 6 to 14 November 2009 inclusive.

Moved Cr J Moir, seconded Cr S Grylls:

That Cr B Bell be granted Leave of Absence from 6 to 14 November 2009 inclusive.

CARRIED (7/0)

NO. 337/09

8 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr S Grylls:

That the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 13 October 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 338/09

Moved Cr M Skinner, seconded Cr J Moir:

That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 13 October 2009 as circulated, be taken as read and adopted as a correct record.

CARRIED (7/0)

NO. 339/09

Moved Cr B Bell, seconded Cr L Handasyde:

That the Minutes of the Special Meeting of the Shire of Plantagenet, held on 20 October 2009 be confirmed subject to:

Page 42: It being noted that Cr B Bell was not present at 12.02pm.

CARRIED (7/0)

NO. 340/09

9 COMMITTEE MINUTES

Nil

10 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

11 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Nil

12 REPORTS OF COMMITTEES AND OFFICERS

12.1 DEVELOPMENT SERVICES REPORTS

12.1.1 LOT 24 WANSBROUGH WALK (MIRA FLORES ESTATE), PORONGURUP - OVERSIZE AND OVER HEIGHT OUTBUILDING

File No:	N12882
Attachments:	Locality Plan Site Plan Site Elevation Floor Plan Elevations Support Letter from Owners Committee Support Letter from Applicant
Responsible Officer:	Peter Duncan Manager Development Services
Author:	Vincent Jenkins Planning Officer
Proposed Meeting Date:	27 October 2009
Applicant:	John Macneall and Karine David

PURPOSE

The purpose of this report is to consider a proposal for an oversize and over height outbuilding at Lot 24 Wansbrough Walk, Porongurup.

BACKGROUND

Council records show the registered owners of Lot 24 are J Macneall and K David.

The proposal is for an outbuilding of 180m² with a wall height of 5m. Town Planning Scheme Policy No. 16 (Outbuildings) sets a maximum wall height of 3.5m together with the maximum cumulative total floor area for outbuildings in rural residential areas at 150m².

The reason provided by the proponent for the oversize outbuilding is that he owns a number of vehicles (backhoe, truck and tractor). These vehicles will be stored in the outbuilding for protection and safety.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – Zoned Rural Residential 2

– Special Provisions include:

‘4. *A person shall not construct, erect or commence to construct or erect –*

- (i) *a building within 100 metres of the front boundary or 45 metres of a side boundary of a lot unless, where the topography or shape of the lot or flora thereon require otherwise, the Council approves a lesser distance.'*
- (iii) *a building in a manner or of materials that would in the opinion of the Council destroy the amenity of the area or not blend in with the landscape.'*
- '5. *Any development proposal shall embody the basic premise that development and associated services are secondary to the natural features of the site and development plans will indicate the extent of earthmoving and clearing.'*
- '6. *No lot shall be cleared of native vegetation to a greater area of 25% of lot size excluding fire breaks required by Council or Bushfire Board.'*
- '10 *For the purposes of assisting and guiding the Council in administering the estate, the owners of land within the estate shall from time to time, elect or appoint an Owners' Committee of 5 members.'*
- '11. *The Council may refer any application for development to the Owners' Committee and the Committee shall recommend in writing to the Council that the application be approved, conditionally approved or refused.'*
- '12. *The Council shall pay regard to, but shall not be bound by the recommendation of the Owners' Committee.'*

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

TPS Policy No. 16 (Outbuildings) limits outbuildings to a maximum wall height of 3.5m and a maximum cumulative floor area of 150m² for Rural Residential zones. The floor area of the proposed outbuilding is 180m² and the wall height of the proposed outbuilding is 5m. Given the large size of the lot (4.71ha), the total area and wall height of the outbuilding is considered acceptable in this instance. The Council must have regard to a Town Planning Scheme Policy but is not bound to adhere to it where a variation is considered reasonable.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The property is located in the Mira Flores Estate subdivision at the most north end of Wansbrough Walk. The property is 4.71ha in area and the north boundary of the lot abuts the Porongurup National Park. The property is extensively covered with advanced remnant vegetation.

The Mira Flores Owners Committee in a letter received on 13 October 2009 indicated that they have no objection to this application.

The proposed outbuilding is located within the defined building envelope. The proposal essentially conforms to the special provisions for this Rural Residential zone and will be constructed in colorbond. The external walls of the outbuilding will be finished in a two tone light and dark green colour that is sympathetic to the surrounding area. No difficulties are seen with the area of the outbuilding being 180m² and the wall height of 5m given the size of the lot being 4.71ha.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr J Moir, seconded Cr S Etherington:

That in accordance with clause 5.2 of the Shire of Plantagenet Town Planning Scheme No. 3, the outbuilding situated at Lot 24 Wansbrough Walk, Porongurup be approved with a floor area of 180m² and wall height of 5m subject to:

- 1. The development being in accordance with the plans dated 2 October 2009.**
- 2. A crossover being constructed and drained to the satisfaction of the Manager Works and Services.**
- 3. All stormwater being disposed of to the satisfaction of the Manager Works and Services.**
- 4. The outbuilding is not being occupied as a residence.**
- 5. The effluent disposal system being an aerobic treatment unit (ATU) as opposed to a conventional disposal system consisting of septic tanks and leach drains.**
- 6. A Building Protection Zone being established in accordance with the Shire of Plantagenet's Annual Fire Break Notice.**

CARRIED (7/0)

NO. 341/09

**12.1.2 LOT 500 (RESERVE 6491) MARION STREET, MENSTON STREET,
MOUNT BARKER - PURCHASE PROPOSAL**

File No: N12880

Attachments: [Location Plan](#)
[Aerial Photograph](#)
[Cadastral Information](#)
[Department of Regional Development and
Lands Express Conditions](#)

Responsible Officer: Rob Stewart
Chief Executive Officer

Author: Peter Duncan
Manager Development Services

Proposed Meeting Date: 27 October 2009

PURPOSE

The purpose of this report is to obtain the approval of the Council to purchase the Council's former depot site at Lot 500 (Reserve 6491) Marion Street, Menston Street, Mount Barker from the Crown.

BACKGROUND

The subject lot 500 together with lots 93, 411, 412, 413 and 414 (see cadastral information plan attached) was previously the Council's depot site prior to the development of the current depot at Langton Road/Muir's Highway in 1998.

As the site is a former depot site, it is listed as a possibly contaminated site by the Environmental Protection Authority (EPA) under the Contaminated Sites Act 2003. In December 2008 the Contaminated Sites Branch of the Department of Environment and Conservation (DEC) advised a Memorial had been registered on the Certificate of Title of lot 500 that the site classification is 'possibly contaminated – investigation required'.

The adjoining Council owned lots 93, 411, 412, 413 and 414 are also listed as possibly contaminated and have a similar Memorial on their Certificates of Title. The other Council owned Lot 40 Langton Road is not subject to the possible contamination matter.

Lot 500 (Reserve 6491) is presently owned by the Crown. Even though it is Crown land, the Council is the agency responsible for testing for contamination and then cleaning up the site to remove all contamination as it was a Council depot. This would still be a requirement if for example the Council resolved to hand back the Management Order to the Department of Regional Development and Lands (DRDL).

In a letter dated 20 October 2008 the Manager Development Services wrote to the then Department for Planning and Infrastructure (DPI) and asked whether the Crown would be prepared to sell this Reserve to the Council as a freehold lot for a consideration of \$1.00. This was based on the fact that the Council will be required to spend large amounts of money investigating and cleaning up the site and it would

be of no advantage to the Council if the land was handed back to the Crown after that.

STATUTORY ENVIRONMENT

Contaminated Sites Act 2003 – Memorial on Title advising of possible contamination.

Planning and Development Act 2005

Shire of Plantagenet Town Planning Scheme No. 3 (TPS) – lots 500, 411, 412, 413, 414 and 93 are in a Public Purpose (Council Depot) Reserve. Lot 40 Langton Road is Zoned Residential (R12.5/20).

Land Administration Act 1997 – Lot 500 (Reserve 6491) has the purpose of 'Use and Requirements of the Shire' with Management to the Shire of Plantagenet.

EXTERNAL CONSULTATION

The matter has been discussed with officers from the DRDL.

FINANCIAL IMPLICATIONS

The DRDL has advised that approval has been given to make the land available for sale to the Council for the purchase price of \$1.10 (GST inclusive).

Program 14 in the Capital items of the Council's Budget includes the sum of \$1,000.00 for the purchase of this land. The Council will be required to pay its settlement costs in the usual manner.

POLICY IMPLICATIONS

There are no policy implications for this report.

ASSET MANAGEMENT IMPLICATIONS

This land if purchased will become a Council asset. The site must be decontaminated.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Regardless of the ownership of this land, the possible contamination and resultant clean up is the responsibility of the Council. The offering of the land to the Council for purchase at the price of \$1.10 is considered appropriate bearing in mind the money that will need to be expended to get the clearance from the DEC.

The DRDL has advised it will apply a series of express conditions to the contract of sale documentation. Those express conditions are attached and they relate to the possible contamination of the site and clearly place the responsibility on the purchaser (Council).

The Council can consider an Amendment to its TPS3 to rezone all of the Public Purpose Reserve to the Residential Zone once the site has been given the clearance from the DEC in respect to contamination. Lot 500 is 5,878m² in area and combined with the other Council owned lots adjacent, a total area of 12,233m² (1.2ha) is involved. Once rezoned to Residential the Council will be in a position to consider the future of the land in respect to residential development which could result in income to cover the cost of the decontamination process. Whether the Council decides to develop, subdivide or sell the land when rezoned can be determined at that time through the preparation of a business plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr S Etherington:

That:

- 1. The purchase of Lot 500 (Reserve 6491) Marion Street, Menston Street, Mount Barker (former depot site) from the Department of Regional Development and Lands for the purchase price of \$1.10 (including GST) be approved.**
- 2. The express conditions regarding decontamination of the site be acknowledged.**
- 3. The Chief Executive Officer be authorised to complete all necessary documentation for the purchase.**

CARRIED (7/0)

NO. 342/09

**12.1.3 LOT 615 FIFTH AVENUE CORNER BEVERLEY ROAD, KENDENUP -
RELOCATED DWELLING**

File No: RV/182/102350
Attachments: [Locality Plan](#)
[Site Plan](#)
[Floor Plan](#)
Responsible Officer: Peter Duncan
Manager Development Services
Author: Vincent Jenkins
Planning Officer
Proposed Meeting Date: 27 October 2009
Applicant: Mr Lawrence Scott

PURPOSE

The purpose of this report is to consider an application for a relocated dwelling at Lot 615 Fifth Avenue corner Beverley Road, Kendenup.

BACKGROUND

Shire records show the owner to be Mr LE Scott. Lot 615 is 953m² in area and is vacant. The proponent intends relocating the purpose built transportable house presently located at Ocean Beach Caravan Park in Denmark to Lot 615 Fifth Avenue corner Beverley Road, Kendenup.

On 11 August 2009 the Council considered and approved an application for the relocation of this particular dwelling to Lot 152 Lake Barnes Road, Narrikup. That approval was not pursued.

STATUTORY ENVIRONMENT

Planning and Development Act 2005.

Shire of Plantagenet Town Planning Scheme No. 3 (TPS3) – zoned Rural.

FINANCIAL IMPLICATIONS

A \$5,000.00 bond will be required as a condition of approval.

POLICY IMPLICATIONS

Council Policy No. TP/SDC/5 – Housing – Relocation Second Hand Houses – requires various conditions to be satisfied including a \$5,000.00 bond, engineer's certification, and removal of asbestos cladding if being brought into the Shire. The bond is required to ensure the house is completed to an acceptable standard. The bond is refundable upon completion of the house.

STRATEGIC IMPLICATIONS

Amendment No. 50 to TPS3 proposes this land to be zoned Residential (R5). That amendment is now with the Department of Planning for a report to the Western Australian Planning Commission and the Minister for Planning.

OFFICER COMMENT

The subject lot is located in a Rural zone in the settlement of Kendenup. The house is a purpose built transportable home and in a good condition. No asbestos material was used to construct the house. The proposal is supported.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That approval be granted for a relocated dwelling at Lot 615 Fifth Avenue corner Beverley Road, Kendenup subject to:

- 1. Development being in accordance with the plans dated 30 September 2009.**
- 2. Payment of a refundable bond of \$5,000.00 prior to the issue of a building licence.**
- 3. Crossovers being constructed and drained to the satisfaction of the Manager Works and Services.**
- 4. Stormwater being disposed of to the satisfaction of the Manager Works and Services.**

CARRIED (7/0)

NO. 343/09

12.2 WORKS AND SERVICES REPORTS

12.2.1 OATLANDS ROAD AND MOUNT BARKER-PORONGURUP ROAD TO PORONGURUP ROAD – RE-NAMING PROPOSAL

File No:	N12881
Responsible Officer:	Dominic Le Cerf Manager Works and Services
Author:	Emma Gardner Administration Officer – Works and Services
Proposed Meeting Date:	27 October 2009

PURPOSE

The purpose of this report is to consider feedback received from land owners on Oatlands Road and Mount Barker-Porongurup Road regarding changing the name of Oatlands Road and Mount Barker-Porongurup Road to Porongurup Road.

BACKGROUND

The Council resolved at its meeting held on 11 August 2009:

‘That the Chief Executive Officer be requested to commence necessary consultation to change the name of the Mount Barker-Porongurup Road inclusive of Oatlands Road to Porongurup Road such that the name Porongurup Road be applied between Albany Highway and Chester Pass Road.’

and:

‘Should opposition to the change proposed in part one above be significant, a report be presented to the Council seeking the change of Mount Barker-Porongurup Road to Porongurup Road.’

STATUTORY ENVIRONMENT

The Land Administration Act 1997 governs the road naming process.

EXTERNAL CONSULTATION

A letter and response sheet was sent out to all land owners on Oatlands Road and Mount Barker-Porongurup Road seeking feedback on the proposal. The response sheet asked respondents to indicate their preferred option, the options being:

1. Change Oatlands Road and Mount Barker-Porongurup Road to Porongurup Road.
2. Remain as Oatlands Road and Mount Barker-Porongurup Road.
3. Change only Mount Barker-Porongurup Road to Porongurup Road.

Although a very favourable response was received from residents on the Mount Barker-Porongurup Road, approximately 75% of respondents from Oatlands Road were against the proposal and expressed concern at changing the name of Oatlands Road.

A petition signed by 36 residents of Oatlands Road was presented to the Council at the meeting held on 22 September 2009.

FINANCIAL IMPLICATIONS

All costs associated with advertising and signage will be the responsibility of the Council. It is estimated that this will cost approximately \$500.00 and be charged to account 20225.0126 (Road Maintenance (PC) – General).

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

It is suggested that due to the strong opposition from residents on Oatlands Road that only Mount Barker-Porongurup Road be changed to Porongurup Road.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr J Moir:

That:

1. The proposal to change the name of Mount Barker-Porongurup Road to Porongurup Road be advertised for public comment.
2. The name 'Oatlands Road' remain unchanged.
3. Subject to no objections being received during the public submission period the proposal be forwarded to the Geographic Names Committee for endorsement.

CARRIED (7/0)

NO. 344/09

12.3 COMMUNITY SERVICES REPORTS

Nil

12.4 CORPORATE SERVICES REPORTS

12.4.1 POLICY REVIEW – FINANCIAL ASSISTANCE (OPERATING) TO ORGANISATIONS, CLUBS AND INDIVIDUALS

A Financial Interest was disclosed by Cr S Etherington.

Nature of Interest: Member of Board of Directors of Mount Barker Community Bank.

A Financial Interest was disclosed by Cr K Clements.

Nature of Interest: Member of Board of Directors of Mount Barker Co-operative.

3:13 pm Cr Etherington and Cr Clements withdrew from the meeting.
Cr M Skinner assumed the chair.

File No: GS/120/3
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Cherie Delmage
Accountant
Proposed Meeting Date: 27 October 2009

PURPOSE

The purpose of this report is to review Council Policy No. CS/DG/2 – Financial Assistance (Operating) to Organisations, Clubs and Individuals.

BACKGROUND

At its meeting held 24 February 2009, the Council resolved:

‘That amended Council Policy No. CS/CG/2 as follows:

OBJECTIVE:

To assist clubs, organisations and individuals in meeting their objectives for the benefit of the residents of Plantagenet.

POLICY:

- (1) *The Council will prioritise applications based on what it believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Generally, preference will be given to applications for funding from organisations or clubs which meet as many of the following criteria as possible:*
 - (a) *Based in the Shire of Plantagenet, or benefit residents within the Shire;*
 - (b) *Can clearly identify the group(s) who will benefit from the funding;*
 - (c) *Be actively operating and meeting on a regular basis; and*
-

- (d) *Can demonstrate that the funding from the Council will improve their ongoing financial viability and financial independence; and / or the promotion of the district.*
- (2) *Requests for financial assistance should be received before the closing date (as advertised in local newspapers each January / February).*
- (3) *The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation, and may exclude projects on the basis that it cannot be accommodated in the budget.*
- (4) *Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.'*

be endorsed.'

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

CONSULTATION

Consultation has occurred between Cr Ken Clements, Mr John Fathers – Deputy Chief Executive Officer and Ms Cherie Delmage - Accountant.

POLICY IMPLICATIONS

This Policy is presented to the Council as a result of concerns raised following the 2009/2010 deliberations on financial assistance grants.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for this report. Council Policy CS/DG/2 forms part of the annual budget process.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

Since its adoption in 2002, this Policy has been well utilised in the annual budget adoption process. During the recent 2009/2010 financial assistance grant deliberations, it was thought that the criteria were too broad and did not provide sufficient direction.

It was agreed that clearer guidelines would benefit applicants as well as Council and staff members. Proposed changes/guidelines are:

1. The Council's key purpose and intent is to provide adequate and appropriate infrastructure facilities whilst supporting community groups and that a financial assistance grant is not for administration or general operational purposes.
2. To provide consistency and equality to groups, that a maximum of \$500.00 be provided to junior sporting groups for the purpose of purchasing equipment.

3. No approved grant funding will be provided until proof of purchase is provided to the Council.
4. That applicants must be an incorporated body, able to produce a Certificate of Incorporation upon request.
5. That the word 'operating' be removed from the policy and application to ensure that applicants are not confused between 'operating' and 'administration'.
6. That the word 'incorporated' be included in the policy and application to ensure that applicants are representing an incorporated body.
7. That the word 'individuals' be removed from the policy and application as the financial assistance grant is intended for community groups and clubs.
8. That it be made very clear that applications must be made in full with appropriate supporting documentation e.g.: current profit and loss (income and expenditure) statements to be considered.
9. That applications must be received by the due date to be considered. Every year, some organisations receive grants without applying which is not equitable on those who do.

Further, Councillors have expressed concern that applicants are seeking funding from multiple agencies (especially Mount Barker, Co-operative and Community Bank) and possibly 'double' or 'triple' dipping.

The Chief Executive Officer has met with each of the respective managers and all have agreed to compare applicant lists prior to forming recommendations to Council/boards.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr L Handasyde, seconded Cr B Bell:

That amended Council Policy No. CS/CG/2 Financial Assistance to Incorporated Organisations and Clubs as follows:

OBJECTIVE:

To assist incorporated clubs and organisations in meeting their objectives for the benefit of the residents of Plantagenet.

POLICY:

1. **The Council will prioritise applications based on what it believes will provide the greatest overall benefit to the quality of life of the residents of the Shire of Plantagenet. Applicants will be categorised as follows in order to assist in determining priority of funding:**

Category 1 - Groups which can show that they are expending resources in maintaining or overseeing Shire facilities or equipment. Grant

amount will consider savings to the Council as a result of the Group's activities;

Category 2 – Groups which undertake tourism and economic development activities which have a positive economic benefit to the Shire. Grant amounts will consider the scope of economic benefits provided; and

Category 3 - All other applications, which should focus on provision of equipment; not administration or general operational costs. Such grants will be subject to a maximum of \$500.00.

2. Applications from incorporated organisations or clubs must meet the following criteria to be considered:
 - a) The group is to be based in the Shire of Plantagenet, or benefit residents within the Shire;
 - b) Applications should clearly identify the Shire of Plantagenet group(s) who will benefit from the funding;
 - c) The group should be actively operating and meeting on a regular basis;
 - d) Applications must include a current profit and loss (income and expenditure) statement;
 - e) Applications must be made in full with supporting documentation and must be received by the due date. Applications not received by the advertised deadline will not be considered;
 - f) Applications must state the reason for funding and amount required. Category 3 applications for administration or general operational costs will not be considered; and
 - g) Applicants must show that they are actively seeking assistance from other funding bodies. Applicants must also disclose if they are seeking grant funding from other donors for this application.
3. Approved grants will not be disbursed until the organisation's GST status has been determined and proof of expenditure/purchase of approved grant has been provided, where applicable.
4. The Council will determine its total financial commitment to community funding for the upcoming financial year, as part of its budget preparation, and may exclude projects on the basis that it cannot be accommodated in the budget.
5. Organisations and clubs will be notified of the result of their application immediately following the adoption of the Council's annual budget.'

be endorsed.

Motion to Adjourn Question

Moved Cr J Moir, seconded Cr B Bell

That the question be adjourned until the Ordinary Meeting of the Council to be held on 24 November 2009 to further consider:

- a) donations under \$200.00;

- b) minimum \$500.00 grants for sporting equipment;
- c) user groups to be responsible for their own running costs; and
- d) rate rebates for community organisations.

CARRIED (5/0)

NO. 345/09

3:22 pm Cr S Etherington and Cr K Clements returned to the meeting.
Cr K Clements resumed the chair.

12.4.2 FINANCIAL STATEMENTS – QUARTER ENDING SEPTEMBER 2009

File No:	N12830
Attachments: (1)	Financial Statements – September 2009
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	27 October 2009

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the quarter ending 30 September 2009.

STATUTORY ENVIRONMENT

Regulation 34 of the Financial Management Regulations (1996) requires a Statement of Financial Activity to be prepared each month which is to contain the following details.

- a) annual budget estimates;
- b) budget estimates to the end of the month;
- c) actual amount of expenditure and revenue;
- d) material variances between comparable amounts in (b) and (c) above; and
- e) the net current assets at the end of the month to which the statement relates (i.e.: surplus/(deficit) position).

The Statement is to be accompanied by:

- a) explanation of the composition of net current assets, less committed assets and restricted assets;
- b) explanation of the material variances; and
- c) such other information considered relevant by the local government.

POLICY IMPLICATIONS

There are no policy implications for this report.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr S Etherington, seconded Cr M Skinner:

That the quarterly Financial Statements for the period ending 30 September 2009 be received.

CARRIED (7/0)

NO. 346/09

12.4.3 LIST OF ACCOUNTS - SEPTEMBER 2009

File No: N12857
Attachment: List of Accounts – September 2009
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Jo Fawcett
Debtors/Creditors Officer
Proposed Meeting Date: 27 October 2009

PURPOSE

The purpose of this report is to present the list of payments that were made during the month of September 2009.

STATUTORY ENVIRONMENT

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of the List of Accounts.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr J Moir:

That:

1. The payment of accounts for the month of September 2009 covering the following:
 - a) Electronic Payments and direct debits totalling \$619,162.95;
 - b) Municipal Cheques 40351 - 40431 totalling \$150,018.14; and
 - c) Trust Cheques 269 - 270 totalling \$10,000.00.be approved.

2. Spoiled Municipal Cheques 40349 and 40350 be noted.
3. Cancelled Trust Cheque 268 be noted.

CARRIED (7/0)

NO. 347/09

12.4.4 POLICY ADOPTION - STAFF ATTENDANCE AT EXTERNAL FUNCTIONS AND REIMBURSEMENT OF EXPENSES

File No: N12789
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 27 October 2009

PURPOSE

The purpose of this report is to adopt a policy relating to staff attendance at external functions and reimbursement of expenses.

BACKGROUND

The Council has adopted a policy relating to the reimbursed of expenses incurred by elected members at conferences (CE/CS/1), however no policy exists relating to the attendance of staff at external functions and reimbursement of expenses. The practice has been to generally apply the guidelines from that policy to staff, however it would be preferable to establish a separate policy.

STATUTORY ENVIRONMENT

There are no statutory implications for this report.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for this report. Attendance of staff at conferences and the like is subject to appropriate budget allocation in various programs.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

The policy recommended formalises the current practice and clarifies the extent to which the Council will meet associated incidental expenses.

It should be noted that the CEO has delegated authority to approve staff attendance at external functions pursuant to delegation LG011.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Moir:

That new Council Policy CE/CS/4 Staff Attendance at External Functions and Reimbursement of Expenses as detailed below:

'OBJECTIVE:

To determine the nature and extent of the Council's representation by staff at conferences, study tours, seminars, conventions, training courses and meetings and the travel and accommodation expenses payable.

POLICY:

Where approval to attend a conference, study tour, seminar, convention or training course by a staff member has first been sought and obtained, the following conditions shall apply:

1. General

- a) appropriate provisions being made in the adopted budget;
- b) the attendance forming part of the normal staff training and development or attendance will be otherwise beneficial to the officer and the Council; and
- c) the officer providing a report to the Chief Executive Officer on the issues raised (except training courses and meetings).

2. Travel

- a) staff should utilise Council vehicles, subject to a vehicle being available;
- b) reimbursement for the use of a private vehicle to be set in accordance with clause 29 of the Local Government Officers' (Western Australia) Award 1999 for the 'South West Land Division' at the appropriate rate set for engine displacement; and
- c) if a Council vehicle is made available and not utilised, then actual fuel costs for the use of a private vehicle will be reimbursed on production of receipts.

3. Accommodation, Meals and Incidentals

- a) accommodation and any interstate travel arrangements are to be organised through the Chief Executive Officer's office;
- b) staff shall be entitled to claim reasonable expenses for meals and refreshments consumed with meals (excluding alcohol), if they are not otherwise provided and the following incidental expenses:
 - i) taxi or other transport costs; and
 - ii) paid parking if free parking not reasonably available; and
- c) reimbursement will be made on actual costs incurred on production of documentation.

4. **Partners**

Reimbursement for partners of staff will be limited to any official social functions included on the official program of the conference/meeting.'

be adopted.

CARRIED (7/0)

NO. 348/09

12.4.5 POLICY REVIEW - INTERNET AND EMAIL USAGE

File No: N12847
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Rayona Evans
Administration Officer (Relief)
Proposed Meeting Date: 27 October 2009

PURPOSE

The purpose of this report is to review Council Policy IT/I/2 – Internet and Email Usage.

BACKGROUND

At its meeting held on 25 September 2007, the Council adopted the following Policy IT/I/2 – Internet and Email Usage:

'OBJECTIVE: To ensure that the Council's investment in computer hardware, software and services is used in the most productive manner to the greatest possible benefit of the Shire of Plantagenet.

To ensure that all the Shire's business emails are preserved and available as corporate knowledge in accordance with the State Records Act 2000.

POLICY: The Council will ensure that employee use of the Council's internet and email systems are in accordance with the following:

Email Content

- 1) All emails sent or received via the Shire's email system are the property of the Shire, although the Shire does not accept responsibility for items of an informal nature that are transmitted through its system without consent.*
 - 2) Employees should only give their Shire of Plantagenet email address to people and organisations that are business partners of the Shire of Plantagenet.*
 - 3) No employee may send or distribute email containing non-business related material such as jokes. This includes sound files, (eg. WAV), movie files, (eg. AVI) or any form of such material.*
 - 4) No employee may send or distribute e-mail containing expletives or pornography or for sending messages that are abusive, obscene, libellous and insulting or in bad taste. Further discussion on the ethics of email use attached as an appendix to this policy.*
 - 5) No employee may send or distribute e-mail containing derogatory, inflammatory, insulting or libellous information about any other Shire employee, customer, associate or any other person whatsoever.*
-

6) No Shire employee may conduct any business of a private nature via the Shire's email/internet system other than legitimate Shire business.

7) Any Shire employee receiving questionable material (as described above in points 3, 4 and 5) should immediately forward all such material to the Chief Executive Officer or their supervisor for appropriate action and then delete all local copies.

8) Employees may not use email/Internet or electronic messaging systems to infringe copyright or other intellectual property rights of third parties.

9) All staff are required to protect the confidentiality provisions of the Shire, exercise due care and adhere to confidentiality agreements when handling data or information on or from the Council's information systems.

10) Unauthorised advertising or promotion of products or services via the email/internet system IS NOT permitted.

11) Electronic records produced or received by an officer in the course of public duties are deemed to be public records. All such records shall be captured in accordance with the Council's Record Keeping Plan.

12) Staff are discouraged from e-mailing matters of a legal or contractual nature. This type of correspondence should be handled by written letter sent through Australia Post. Email is the preferred means of exchanging standard administrative and technical information and other informal correspondence. It should not be used for formal documents recording significant decisions or approvals or which otherwise warrant becoming part of the permanent record.

13) No attachment should be opened or stored unless the employee can positively identify the sender.

Monitoring Emails

The Shire has installed an e-mail management system. This system is capable of capturing all email business transactions and to trap and report all questionable e-mails. The Shire's employees should be aware that all emails are being monitored to ensure that this policy is being adhered to.

Consequences of Non-Compliance

Employees found to be acting in contravention of the above directives will be warned by the appropriate manager and requested not to re-offend. Employees who continue to disregard the above directives will be formally warned and then may face suspension pending court action and/or dismissal if the offence is considered to be of a serious nature.

Note - any offence associated with pornography or insulting behaviour will be automatically classified as being of a serious nature.

Whilst spam filters are in place, the Shire of Plantagenet is powerless to prevent any inappropriate e-mail being received at a particular email address, but it will in no way condone any pornographic or offensive email being forwarded on to any person;

either as a knowing recipient of the material, or as an unknowing recipient of the material.

The Shire of Plantagenet considers such material totally inappropriate to the workplace and expects that any person who receives such material will immediately delete it from the system.

Should you receive such e-mail you should report this to the Chief Executive Officer or your supervisor, as it is our practice to advise the organisation that hosts the sender, that such email is being sent from their organisation and to request them to prohibit the sending of such e-mail to us.

The sending of offensive or pornographic e-mail may expose the Council to claims of sexual harassment, which further emphasise the reasons behind the obvious restrictions placed upon this type of material.

Given the Shire of Plantagenet's strong opposition to this matter, it must be understood that any person who is found to store this material in their own private folders, or who forwards this material onto any other person, either within our internal network or by external email, will have their email services terminated immediately and face the disciplinary actions detailed above.

Capturing Email

Staff are reminded to forward all email that needs to be retained as a record (in accordance with the Council's Record Keeping Plan) to the Records Officer for capturing in our record keeping system.

Format of Outgoing Email

When sending email (as with other forms of communication) you are conveying the Council's image. As such, the standard e-mail template must be used by all staff. The template is defined as follows:

(a) Font - Times New Roman (size 11)

(b) Signature - to be as follows:

Name

Title

Shire of Plantagenet

Telephone - (08) 9892 XXXX

Facsimile - (08) 9892 XXXX

Email - name@plantagenet.wa.gov.au

Web - www.plantagenet.wa.gov.au

(c) Spelling - each employee's email settings are to have the 'spell check' feature automatically turned on.

Internet Usage

The Internet is a resource, which is to be used for work, related purposes and inappropriate use, including any violation of the conditions and rules, may result in the cancellation of the access. The Chief Executive Officer will determine appropriate use and may deny, revoke, suspend or close any user access at any time.

Encounter of Controversial Material

Whilst the Shire utilises a software programme which prohibits access to particular sites, access by employees to sites on the internet which could be construed as obscene, sexual, racist, discriminatory, or unacceptable for business are not to be intentionally visited. It is the user's responsibility not to initiate access to such material. Deliberate accessing of such sites is expressly banned and renders the employee to formal disciplinary procedures. If such a site is accessed unexpectedly, it is expected that the user will immediately terminate the connection.

The exception to this rule would apply to Information Technology staff ONLY for the monitoring of sites visited by other users. Any decision by the Chief Executive Officer to restrict access to Internet material shall not be deemed to impose any duty on the Shire to regulate the content of the material on the Internet.

Downloading Software

Downloading of software through the Internet is strictly prohibited. The reason for this prohibition is that the Shire can be exposed to action arising from possible copyright infringement issues and the Shire's computing network can be open to disruption from virus attacks.

If a user has identified any software package that is useful for the Shire's operations and can be downloaded through the Internet, they must be referred to the Deputy Chief Executive Officer for evaluation. The software will be evaluated on the following guidelines:

- a) Compatibility with the Shire's hardware and existing software*
- b) Software licensing arrangements*
- c) Copyright and other intellectual property rights*
- d) Availability of budget funds*
- e) Virus protection*
- f) Ethical and moral issues*

No software is to be either downloaded through the Internet or purchased from any other means unless approved (based on the above criteria) by the Deputy Chief Executive Officer.

APPENDIX: ETIQUETTE AND ETHICS FOR THE EFFECTIVE USE OF E-MAIL

Since e-mail is not quite like other methods of communications, a distinct etiquette for its use has evolved. Following are some guidelines that have been adapted from the 'The Business of Electronic Mail', issued by Telstra, Melbourne (1997)'.

Email Ethics

1) Use good judgment by not sending messages that are libellous, defamatory, abusive and obscene or in bad taste. All users of email systems must act with courtesy and refrain from the use of inflammatory or offensive language at all times. Remember that you may be legally liable for any libellous or defamatory statements made.

2) *Never forget that a person is receiving the email. It is very easy to make critical or intemperate comments across email when the recipient of these comments and the impact it has on them does not confront you*

3) *Like the information in Council's paper based record, the contents of Council's email system are also part of the public record. It may therefore be subjected to public access and scrutiny under disclosure law such as the Freedom of Information Legislation. Hence email content needs to be objective in nature with all system users endeavouring to avoid the use of subjective comments.*

Email Etiquette

4) *Read and respond to Messages.*

Check your email regularly; ignoring a message is discourteous and confusing to the sender. If you receive a message intended for another person, do not just ignore it; return it to the sender. Answer messages in a timely manner, informing senders when their requests cannot be accommodated. Delete messages as soon as they have been answered or the issue resolved. For messages that must be retained, develop an orderly filing system.

5) *All Capital Letters give the effect of SHOUTING!*

Many people interpret the use of all capitals in email to indicate shouting, anger or rudeness. Shouting is most effective if it is reserved for special occasions. In any case, studies show that proper use of upper and lower case assists word recognition and makes a message easier to read. Capitalise words only to HIGHLIGHT an important point or distinguish a title or heading.

6) *Be courteous.*

While conciseness is good, it should never be at the expense of common courtesy; say please and thank you.

7) *Review before Sending.*

Reading a message before sending will not only reveal spelling and grammatical mistakes, but if you put yourself in the place of the recipient you will detect whether your message is sensible and is going to be well received and understood. Human conversation uses gesture and tone to convey the meaning of words. An email message can contain words which were humorously intended by the author but which, without the accompanying expression or inflection if the words were spoken, seem insulting to the recipient. If you must use sarcasm or express emotion in a message, clearly label it.

8) *Sign-off your Messages.*

Include your name and affiliation at the end of a message. Not only is this courteous, but it serves the practical function of reassuring the reader that the message has not been truncated in its travels. This is particularly important if sending through a

gateway to a different mail system, where a message can sometimes be truncated on the way to its destination.

9) Forwarding Earlier Messages.

Be professional and careful what you say about others in email. In the case of your own messages, you should say clearly in the message if you do not want all or part of its contents relayed. In the case of messages you receive from others, think first of any possible damage or embarrassment to the originator before forwarding it. It may be possible to remove sensitive parts of the message before sending it on to others. Do not edit and resend a message that you have received without indicating that changes have been made to the original. Remember that e-mail is not confidential; it is neither absolutely private nor absolutely secure. The recipient of a message has control of the content and can use it how they choose. If you wish to on-forward a previously received e-mail to a third party, you should, as a matter of courtesy, seek permission from the originator that you are relaying their message.

10) Email Responsibly.

Do not waste resources by sending inconsequential messages and do not accumulate large amounts of email which are no longer required. Try to avoid irrelevancies and try to keep messages succinct and brief. Focus on one subject per message. Always define the topic of a message in the email subject header to make it easy for the recipient to quickly review their list of messages.

11) Message Distributions.

Keep the list of recipients and carbon copies (cc) to a minimum. It is too easy to widely disseminate messages that are of limited or no interest to most recipients (commonly referred to as junk mail).

12) Large File Attachments.

Do not send email messages enclosing large file attachments and distribute these widely (eg everyone in mailing lists) as they can cause email servers and gateways to fail. It can also cause traffic problems on the network. A preferred approach is to make the file accessible to other users by placing it in a shared folder or directory and informing users of its availability.

13) Assume the competence and honesty of the sender.

Giving someone the benefit of the doubt is a good starting point, especially if you do not know them and they're hundreds of kilometres away. There have been examples of replies to messages that appear to assume the sender is incompetent or an idiot when the recipient has misunderstood the context or intent of the message.

14) Use Receipts.

If a message is important, then you need to be sure that it is received and read. In this case make sure you ask for a delivery receipt and a read-receipt. This will cause a message to be sent to you automatically to tell you when the message has been

delivered to the recipient's mail box, and when the recipient has opened your message to read it.

15) *Keep a Copy.*

Before removing mail messages from your Sent Mail folder, make sure that any important matters they relate to are closed.

16) *Schedule a reminder.*

If you have an electronic diary, or indeed any sort of diary, schedule a reminder to check on the status of an important message after an appropriate period

17) *Treat email as a permanent, official record.*

What you write can be used in evidence. Keep this in mind before you click the send button. Even if you do not think the matter is important enough to keep a copy, your recipient may keep a copy. Assume that any message you send is permanent and could be modified and/or forwarded throughout the world without your knowledge or consent.'

STATUTORY ENVIRONMENT

Initiative 1.2 of the Strategic Plan states:

'Ensure organisational practices reflect professional and legal standards and enable internal and external customers to access and retrieve information appropriately and with a high level of confidence.'

POLICY IMPLICATIONS

The review of this policy is presented to the Council as part of the ongoing Council policy review cycle.

STRATEGIC IMPLICATIONS

The Internet and Email Usage Policy was adopted to assist the Council in meeting its obligations under the following Acts by reducing exposure to unprofessional or inappropriate conduct via email and the internet:

- Sexual Discrimination 1984;
- Equal Opportunity 1984;
- Spam Act 2003;
- State Records Act 2000.

OFFICER COMMENT

It is considered that this policy is sufficient and should be endorsed, subject to re-numbering and minor formatting changes.

Also it is considered that the font should be changed to Verdana for email. Verdana has been developed expressly for email.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Grylls:

That amended Council Policy IT/120/2 – Internet and Email Usage, as follows:

OBJECTIVE:

To ensure that:

1. The Council's investment in computer hardware, software and services is used in the most productive manner to the greatest possible benefit of the Shire of Plantagenet.
2. All the Shire's business emails are preserved and available as corporate knowledge in accordance with the State Records Act 2000.

POLICY:

The Council will ensure that employee use of the Council's internet and email systems are in accordance with the following:

1. Email Content
 - 1.1 All emails sent or received via the Shire's email system are the property of the Shire, although the Shire does not accept responsibility for items of an informal nature that are transmitted through its system without consent.
 - 1.2 Employees should only give their Shire of Plantagenet email address to people and organisations that are business partners of the Shire of Plantagenet.
 - 1.3 No employee may send or distribute email containing non-business related material such as jokes. This includes sound files, (e.g.: WAV), movie files, (e.g.: AVI) or any form of such material.
 - 1.4 No employee may send or distribute e-mail containing expletives or pornography or for sending messages that are abusive, obscene, libellous and insulting or in bad taste. Further discussion on the ethics of email use attached as an appendix to this policy.
 - 1.5 No employee may send or distribute e-mail containing derogatory, inflammatory, insulting or libellous information about any other Shire employee, customer, associate or any other person whatsoever.
 - 1.6 No Shire employee may conduct any business of a private nature via the Shire's email/internet system other than legitimate Shire business.
 - 1.7 Any Shire employee receiving questionable material (as described above in points 1.3, 1.4 and 1.5) should immediately forward all such material to the Chief Executive Officer or their supervisor for appropriate action and then delete all local copies.
-

- 1.8 Employees may not use email/Internet or electronic messaging systems to infringe copyright or other intellectual property rights of third parties.
 - 1.9 All staff are required to protect the confidentiality provisions of the Shire, exercise due care and adhere to confidentiality agreements when handling data or information on or from the Council's information systems.
 - 1.10 Unauthorised advertising or promotion of products or services via the email/internet system IS NOT permitted.
 - 1.11 Electronic records produced or received by an officer in the course of public duties are deemed to be public records. All such records shall be captured in accordance with the Council's Record Keeping Plan.
 - 1.12 Staff are discouraged from e-mailing matters of a legal or contractual nature. This type of correspondence should be handled by written letter sent through Australia Post. Email is the preferred means of exchanging standard administrative and technical information and other informal correspondence. It should not be used for formal documents recording significant decisions or approvals or which otherwise warrant becoming part of the permanent record.
 - 1.13 No attachment should be opened or stored unless the employee can positively identify the sender.
2. **Monitoring Emails**
 - 2.1 The Shire has installed an e-mail management system. This system is capable of capturing all email business transactions and to trap and report all questionable e-mails. The Shire's employees should be aware that all emails are being monitored to ensure that this policy is being adhered to.
3. **Consequences of Non-Compliance**
 - 3.1 Employees found to be acting in contravention of the above directives will be warned by the appropriate manager and requested not to re-offend. Employees who continue to disregard the above directives will be formally warned and then may face suspension pending court action and/or dismissal if the offence is considered to be of a serious nature.
 - 3.2 Note - any offence associated with pornography or insulting behaviour will be automatically classified as being of a serious nature.
 - 3.3 Whilst spam filters are in place, the Shire of Plantagenet is powerless to prevent any inappropriate e-mail being received at a particular email address, but it will in no way condone any pornographic or offensive email being forwarded on to any person; either as a knowing recipient of the material, or as an unknowing recipient of the material.

- 3.4 The Shire of Plantagenet considers such material totally inappropriate to the workplace and expects that any person who receives such material will immediately delete it from the system.
- 3.5 Should you receive such e-mail you should report this to the Chief Executive Officer or your supervisor, as it is our practice to advise the organisation that hosts the sender, that such email is being sent from their organisation and to request them to prohibit the sending of such e-mail to us.
- 3.6 The sending of offensive or pornographic e-mail may expose the Council to claims of sexual harassment, which further emphasise the reasons behind the obvious restrictions placed upon this type of material.
- 3.7 Given the Shire of Plantagenet's strong opposition to this matter, it must be understood that any person who is found to store this material in their own private folders, or who forwards this material onto any other person, either within our internal network or by external email, will have their email services terminated immediately and face the disciplinary actions detailed above.
4. Capturing Email
- 4.1 Staff are reminded to forward all email that needs to be retained as a record (in accordance with the Council's Record Keeping Plan) to the Records Officer for capturing in our record keeping system.
5. Format of Outgoing Email
- 5.1 When sending email (as with other forms of communication) you are conveying the Council's image. As such, the standard e-mail template must be used by all staff. The template is defined as follows:
- a) Font - Verdana (size 11)
 - b) Signature - to be as follows:
 - Name
 - Title
 - Shire of Plantagenet
 - Telephone - (08) 9892 XXXX
 - Facsimile - (08) 9892 XXXX
 - Email - name@plantagenet.wa.gov.au
 - Web - www.plantagenet.wa.gov.au; and
 - c) Spelling - each employee's email settings are to have the 'spell check' feature automatically turned on.
6. Internet Usage
- 6.1 The Internet is a resource, which is to be used for work, related purposes and inappropriate use, including any violation of the conditions and rules, may result in the cancellation of the access. The Chief Executive Officer will determine appropriate use and may deny, revoke, suspend or close any user access at any time.
-

7. Encounter of Controversial Material

7.1 Whilst the Shire utilises a software programme which prohibits access to particular sites, access by employees to sites on the internet which could be construed as obscene, sexual, racist, discriminatory, or unacceptable for business are not to be intentionally visited. It is the user's responsibility not to initiate access to such material. Deliberate accessing of such sites is expressly banned and renders the employee to formal disciplinary procedures. If such a site is accessed unexpectedly, it is expected that the user will immediately terminate the connection.

7.2 The exception to this rule would apply to Information Technology staff **ONLY** for the monitoring of sites visited by other users. Any decision by the Chief Executive Officer to restrict access to Internet material shall not be deemed to impose any duty on the Shire to regulate the content of the material on the Internet.

8. Downloading Software

8.1 Downloading of software through the Internet is strictly prohibited. The reason for this prohibition is that the Shire can be exposed to action arising from possible copyright infringement issues and the Shire's computing network can be open to disruption from virus attacks.

8.2 If a user has identified any software package that is useful for the Shire's operations and can be downloaded through the Internet, they must be referred to the Deputy Chief Executive Officer for evaluation. The software will be evaluated on the following guidelines:

- a) Compatibility with the Shire's hardware and existing software;
- b) Software licensing arrangements;
- c) Copyright and other intellectual property rights;
- d) Availability of budget funds;
- e) Virus protection; and
- f) Ethical and moral issues.

8.3 No software is to be either downloaded through the Internet or purchased from any other means unless approved (based on the above criteria) by the Deputy Chief Executive Officer.

9. APPENDIX: ETIQUETTE AND ETHICS FOR THE EFFECTIVE USE OF E-MAIL

9.1 Since e-mail is not quite like other methods of communications, a distinct etiquette for its use has evolved. Following are some guidelines that have been adapted from the 'The Business of Electronic Mail', issued by Telstra, Melbourne (1997)'.

9.2 Email Ethics

- 9.2.1 Use good judgment by not sending messages that are libellous, defamatory, abusive and obscene or in bad taste. All users of email systems must act with courtesy and refrain from the use of inflammatory or offensive language at all times. Remember that you may be legally liable for any libellous or defamatory statements made.**
- 9.2.2 Never forget that a person is receiving the email. It is very easy to make critical or intemperate comments across email when the recipient of these comments and the impact it has on them does not confront you**
- 9.2.3 Like the information in Council's paper based record, the contents of Council's email system are also part of the public record. It may therefore be subjected to public access and scrutiny under disclosure law such as the Freedom of Information Legislation. Hence email content needs to be objective in nature with all system users endeavouring to avoid the use of subjective comments.**

9.3 Email Etiquette

9.3.1 Read and respond to Messages.

Check your email regularly; ignoring a message is discourteous and confusing to the sender. If you receive a message intended for another person, do not just ignore it; return it to the sender. Answer messages in a timely manner, informing senders when their requests cannot be accommodated. Delete messages as soon as they have been answered or the issue resolved. For messages that must be retained, develop an orderly filing system.

9.3.2 All Capital Letters give the effect of SHOUTING!

Many people interpret the use of all capitals in email to indicate shouting, anger or rudeness. Shouting is most effective if it is reserved for special occasions. In any case, studies show that proper use of upper and lower case assists word recognition and makes a message easier to read. Capitalise words only to HIGHLIGHT an important point or distinguish a title or heading.

9.3.3 Be courteous.

While conciseness is good, it should never be at the expense of common courtesy; say please and thank you.

9.3.4 Review before Sending.

Reading a message before sending will not only reveal spelling and grammatical mistakes, but if you put yourself in the place of the recipient you will detect whether your message is sensible and is going to be well received and understood. Human conversation uses

gesture and tone to convey the meaning of words. An email message can contain words which were humorously intended by the author but which, without the accompanying expression or inflection if the words were spoken, seem insulting to the recipient. If you must use sarcasm or express emotion in a message, clearly label it.

9.3.5 Sign-off your Messages.

Include your name and affiliation at the end of a message. Not only is this courteous, but it serves the practical function of reassuring the reader that the message has not been truncated in its travels. This is particularly important if sending through a gateway to a different mail system, where a message can sometimes be truncated on the way to its destination.

9.3.6 Forwarding Earlier Messages.

Be professional and careful what you say about others in email. In the case of your own messages, you should say clearly in the message if you do not want all or part of its contents relayed. In the case of messages you receive from others, think first of any possible damage or embarrassment to the originator before forwarding it. It may be possible to remove sensitive parts of the message before sending it on to others. Do not edit and resend a message that you have received without indicating that changes have been made to the original. Remember that e-mail is not confidential; it is neither absolutely private nor absolutely secure. The recipient of a message has control of the content and can use it how they choose. If you wish to on-forward a previously received e-mail to a third party, you should, as a matter of courtesy, seek permission from the originator that you are relaying their message.

9.3.7 Email Responsibly.

Do not waste resources by sending inconsequential messages and do not accumulate large amounts of email which are no longer required. Try to avoid irrelevancies and try to keep messages succinct and brief. Focus on one subject per message. Always define the topic of a message in the email subject header to make it easy for the recipient to quickly review their list of messages.

9.3.8 Message Distributions.

Keep the list of recipients and carbon copies (cc) to a minimum. It is too easy to widely disseminate messages that are of limited or no interest to most recipients (commonly referred to as junk mail).

9.3.9 Large File Attachments.

Do not send email messages enclosing large file attachments and distribute these widely (e.g.: everyone in mailing lists) as they can cause email servers and gateways to fail. It can also cause traffic problems on the network. A preferred approach is to make the file accessible to other users by placing it in a shared folder or directory and informing users of its availability.

9.3.10 Assume the competence and honesty of the sender.

Giving someone the benefit of the doubt is a good starting point, especially if you do not know them and they're hundreds of kilometres away. There have been examples of replies to messages that appear to assume the sender is incompetent or an idiot when the recipient has misunderstood the context or intent of the message.

9.3.11 Use Receipts.

If a message is important, then you need to be sure that it is received and read. In this case make sure you ask for a delivery receipt and a read-receipt. This will cause a message to be sent to you automatically to tell you when the message has been delivered to the recipient's mail box, and when the recipient has opened your message to read it.

9.3.12 Keep a Copy.

Before removing mail messages from your Sent Mail folder, make sure that any important matters they relate to are closed.

9.3.13 Schedule a reminder.

If you have an electronic diary, or indeed any sort of diary, schedule a reminder to check on the status of an important message after an appropriate period

9.3.14 Treat email as a permanent, official record.

What you write can be used in evidence. Keep this in mind before you click the send button. Even if you do not think the matter is important enough to keep a copy, your recipient may keep a copy. Assume that any message you send is permanent and could be modified and/or forwarded throughout the world without your knowledge or consent.'

be endorsed.

CARRIED (7/0)

NO. 349/09

12.5 EXECUTIVE SERVICES REPORTS

12.5.1 COUNCIL MEETINGS - SCHEDULE 2010

File No: N12891
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 27 October 2009

PURPOSE

The purpose of this report is to consider the schedule of Council meeting dates, times and venues for February 2010 to January 2011.

BACKGROUND

At the Ordinary Meeting of the Council held on 9 September 2009, meeting dates were set for January 2009 to January 2010 inclusive.

STATUTORY ENVIRONMENT

Section 5.3 and Section 5.25 (1)(g) of the Local Government Act 1995 and Regulation 12 of the Local Government (Administration) Regulations 1996 apply.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

POLICY IMPLICATIONS

There are no policy implications for this report.

STRATEGIC IMPLICATIONS

There are no strategic implications for this report.

OFFICER COMMENT

As the fourth Tuesday in December 2010 falls on 28 December it is suggested that only one Ordinary Meeting of the Council be held in that month being Tuesday 14 December 2010.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

Moved Cr B Bell, seconded Cr L Handasyde:

That:

1. Ordinary Meetings of the Council for 2010 be held as follows commencing at 2.45pm.

9 and 23 February
9 and 23 March
13 and 27 April
11 and 25 May
8 and 22 June
13 and 27 July
10 and 24 August
14 and 28 September
12 and 26 October
9 and 23 November
14 December
2. No ordinary meeting of the Council be held in January 2011.
3. All Council meetings be held in the Council Chambers, Lowood Road, Mount Barker.
4. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

AMENDMENT

Moved Cr J Moir, seconded Cr S Etherington:

That:

1. The date '19 January' be added to part one of the motion on the line before '9 and 23 February'.
2. That part two be deleted and the motion be recast accordingly.

CARRIED (4/3)

NO. 350/09

COUNCIL DECISION

That:

1. Ordinary Meetings of the Council for 2010 be held as follows commencing at 2.45pm.

19 January
9 and 23 February
9 and 23 March
-

13 and 27 April
11 and 25 May
8 and 22 June
13 and 27 July
10 and 24 August
14 and 28 September
12 and 26 October
9 and 23 November
14 December

2. All Council meetings be held in the Council Chambers, Lowood Road, Mount Barker.
3. All meeting dates and times be advertised pursuant to Regulation 12 of the Local Government (Administration) Regulations 1996.

CARRIED (7/0)

NO. 351/09

12.5.2 POLICY REVIEW - CE/CS/2 - MOTOR VEHICLE USE - SHIRE PRESIDENT

A Financial Interest was disclosed by Cr K Clements.

Nature of Interest: Shire President.

3:36 pm Cr Clements withdrew from the meeting.
Cr M Skinner assumed the chair.

File No: PS/120/2
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: Kaye Skinner
Executive Secretary
Proposed Meeting Date: 27 October 2009

PURPOSE

The purpose of this report is to present to the Council Policy CE/CS/2 that governs both the business and private usage of a Council supplied motor vehicle by the Shire President.

BACKGROUND

This policy was last reviewed on 13 April 2004.

The Council, at its meeting held on 27 February 1996, resolved to provide the President of the Shire of Plantagenet business/unrestricted private use of a Council supplied motor vehicle.

STATUTORY ENVIRONMENT

Section 2.7 of the Local Government Act 1995, describes the Role of the Council. Section 2.8 describes the role of the Mayor or President.

EXTERNAL CONSULTATION

Consultation has taken place with the Western Australian Local Government Association (WALGA).

FINANCIAL IMPLICATIONS

The Shire President is not classified as an employee of the Council. The position is therefore exempt from the application of Fringe Benefits Tax (FBT). However, the value of the Shire President's vehicle is shown in the Council's Annual Report, as determined by Government Gazettal.

Costs will be incurred during the changeover of a motor vehicle for the Shire President. In addition, costs will be incurred for fuel and oil usage, servicing, registration, insurances, and other costs attributed to the running of a motor vehicle. These costs are factored into the annual budget.

POLICY IMPLICATIONS

This report will recommend policy endorsement.

STRATEGIC IMPLICATIONS

The Strategic Plan, Key Result Area 1 – initiatives 1.4, states:

‘Ensure the administrative systems and framework of the organisation efficiently and effectively permit the functions of the organisation to be undertaken. To achieve this we will:

- *Revise all policies, procedures and delegations to ensure internal consistency and convergence:*
- *Promote and provide access to policies, procedures, standards and legislation.*

OFFICER COMMENT

The Shire President currently benefits from business/unrestricted private use of a Council supplied motor vehicle within the State of Western Australia. The Shire President meets all private fuel costs and is reimbursed for expenses incurred during business usage of the motor vehicle. The motor vehicle is not available for use by other elected members of the Council.

The vehicle is supplied to the office of Shire President to assist that person to carry out the duties of the office of Shire President.

Private Use of Motor Vehicle

The motor vehicle should be available to the Shire President for Restricted Private Use within the State of Western Australia.

Type of Motor Vehicle

A luxury type vehicle should be provided.

Fuel Card

The Shire President meets all private fuel costs and is reimbursed for out of pocket expenses incurred during business usage of the motor vehicle. A fuel card is not supplied.

Use of Motor Vehicle during periods of Leave or Absence

The motor vehicle can be utilised during periods of leave of absence.

Use of Motor Vehicle by other elected members of the Council

The motor vehicle may be made available for use by other members of the Council when required for Business Use provided that this does not clash with the primary user’s vehicle and at the primary user’s discretion.

As the Shire President is required to meet all fuel costs when the vehicle is used for private purposes, the definition of ‘unrestricted private use’ cannot be applied. Accordingly ‘restricted private use’ is applied and the

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr L Handasyde, seconded Cr B Bell:

That amended Council Policy No. CE/CS/2 – Motor Vehicle Use – Shire President:

OBJECTIVE

The objective of this Policy is to provide clear guidelines for the use of a Council motor vehicle by the Shire President.

POLICY

A motor vehicle will be provided to the office of the Shire President for both *Business Use* and *Private Use* to assist the Councillor elected as Shire President carry out the role of Shire President.

DEFINITIONS

Business Use is defined as the use required giving effect to all of the Council's operational needs and services.

Private Use is defined as unrestricted private use within the State of Western Australia.

MOTOR VEHICLE USAGE

A fully maintained motor vehicle will be made available to the Shire President to enable the undertaking of official duties and activities associated with the position of the office of Shire President.

This table identifies the type of motor vehicle to be provided to the Shire President to enable the undertaking of official duties and activities.

CATEGORY	TYPE OF VEHICLE	POSITION	RESTRICTED USE	UNRESTRICTED USE
Sedan	Luxury vehicle.	Shire President	\$11,372	\$16,246

The motor vehicle will be made available to the Shire President for both *Business Use* and *Private Use* within the State of Western Australia.

When the motor vehicle is used for private purposes, the Shire President will be responsible for the cost of all fuels and oils associated with such vehicle usage.

The Shire President or another authorised person may use the motor vehicle provided he/she holds a valid and appropriate Western Australian 'C' Class Driver's Licence. In the event of an emergency, a driver other than the person specified above may be nominated to complete the journey.

The Council will be responsible for all running costs of the motor vehicle, including but not limited to, all registration, insurances, fuels and oils maintenance, and repair costs, except when the vehicle is being used for private purposes.

Alternatively, the Shire President may elect to be reimbursed, when using the vehicle for business purposes, at the rate of 20% of the rate paid to Councillors when using their own vehicles for Council business, on a per kilometre basis.

General Conditions of Vehicle Usage

The following general conditions are applicable to the use of a Council motor vehicle:

Smoking is strictly prohibited within Council motor vehicles at all times.

Motor vehicles shall be operated in a reasonable manner in accordance with all relevant Acts, Regulations and Council policies. Any authorised person that drives the motor vehicle is financially responsible for any fines and/or infringements received during operation of the motor vehicle.

The Shire of Plantagenet will be financially responsible for the maintenance of the motor vehicle but it is the responsibility of the primary user to ensure that the motor vehicle has a sufficient amount of fuel, oil/lubricant, water, and tyre pressure.

Where the motor vehicle has been equipped with a first aid kit or fire extinguisher, it is the responsibility of the primary user to ensure that the first aid kit or fire extinguisher is adequately stocked/changed at all times or replacement stock ordered through the Council's Works and Services Division when used/expired.

The primary user shall comply with the following conditions with respect to the motor vehicle:

- a) Advise the Council's Works and Services division when scheduled servicing of the motor vehicle is due;
- b) Wash, clean, and vacuum the motor vehicle as often as required;
- c) Drive the motor vehicle responsibly and legally, observing all road rules and traffic regulations;
- d) Secure the motor vehicle when parked in public/private places;
- e) Examine the motor vehicle prior to use for any damage, operation of lights and indicators, tyre pressure etc; and
- f) Report any motor vehicle accident immediately to the Chief Executive Officer or other Senior Officers.

A Council motor vehicle used for any of the purposes outlined in this Policy shall be properly housed and secured at the place of residence of the primary user, when appropriate.

The primary user shall immediately advise the Chief Executive Officer if his/her driver's licence is suspended or cancelled.

The designated officer shall immediately surrender the motor vehicle to the Shire upon:

- a) **cancellation or suspension of his/her driver's licence; and**
- b) **cessation of position with the Council the subject of this policy.'**

be endorsed.

CARRIED (5/1)

NO. 352/09

3:38 pm Cr K Clements returned to the meeting and resumed the chair.

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**14.1 NON-RESIDENT RATEPAYERS BE ELIGIBLE TO VOTE IN LOCAL GOVERNMENT ELECTIONS**

Moved Cr J Moir, seconded Cr S Etherington:

That new business of an urgent nature, namely the eligibility of non-resident ratepayers to vote at Council elections, be introduced with the meeting.

CARRIED (7/0)

NO. 353/09

COUNCIL DECISION

Moved Cr B Bell, seconded Cr S Etherington:

That a report be prepared for the Ordinary Meeting of the Council to be held on 24 November 2009 to address the circumstances relating to the eligibility to non-resident ratepayers to be included on the Shire of Plantagenet electoral roll.

CARRIED (7/0)

NO. 354/09

15 CONFIDENTIAL

Nil

16 CLOSURE OF MEETING

3:45 pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** ____ / ____ / ____